

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**DECLARATION OF MARC FENSTER IN SUPPORT OF PLAINTIFF HEADWATER
RESEARCH LLC'S MOTION TO EXCLUDE OR STRIKE CERTAIN REBUTTAL
EXPERT OPINIONS OF PHILIP W. KLINE**

1. I, Marc Fenster, declare as follows.

2. I am counsel for Headwater Research LLC (“Headwater”) in the above-captioned action. I provide this declaration in support of Headwater’s Motion to Exclude or Strike Certain Rebuttal Expert Opinions of Philip W. Kline. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

3. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition transcript of Philip W. Kline, dated May 10, 2024, with highlighting added by counsel.

4. Attached as Exhibit 2 is a true and correct copy of excerpts from the rebuttal report of Mr. Kline, dated April 19, 2024.

5. Attached as Exhibit 3 is a true and correct copy of the supplemental report of Mr. Kline, dated May 9, 2024, with highlighting added by counsel.

6. Attached as Exhibit 4 is a true and correct copy of excerpts from the deposition transcript of Dr. Andreas Groehn, dated May 13, 2024.

7. Attached as Exhibit 5 is a true and correct copy of excerpts from the rebuttal expert report of Sarah Butler, dated April 19, 2024.

8. Attached as Exhibit 6 is a true and correct copy of the errata statement that Dr. Groehn submitted with his amended expert report, dated April 22, 2024.

9. Attached as Exhibit 7 is a true and correct copy of excerpts from the amended expert report of Dr. Andreas Groehn, dated April 22, 2024.

10. Attached as Exhibit 8 is a true and correct copy of Exhibit 8 to Mr. Kline’s deposition, which is a capture of a portion of Samsung’s website related to its S24 line of products.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2024 at Los Angeles, California

By: /s/ Marc Fenster
Marc Fenster

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster